

# **MINUTES**

**SEPTEMBER 18, 2003**

## **NEVADA STATE BOARD OF**

### **PHYSICAL THERAPY EXAMINERS**

- Item 1- Call to order / roll call to determine the presence of a quorum. Call to order at 9:06. Board Members present: Robert Snellgrove, PT, Chairman; Laura LaPorta Krum, PT, PhD, Secretary/Treasurer; Connee Spano, M.Ed., Public Member; D. Keith Kleven, MSPT; Pamela Hogan, PT, OCS, FSOM. Non-members in attendance: Lawrence P. Mooney, PT, Chief Inspector; Angelo Sakelaris, PT, Board Inspector; Dena James, Deputy Attorney General; Ann Ellworth, Senior Deputy Attorney General; Allison Tresca Executive Secretary. For all others in attendance, please see sign-in sheet in minutes file.
- Item 2- Review and approval of minutes for Board meeting of July 31, 2003. Board Member LaPorta Krum commented on Item #7 indicating that she overviews the banking and every dime balances, she cannot state where every dime goes. On motion by Board Member Kleven, seconded by Board Member Hogan and approved with a unanimous vote, the minutes are approved.
- Item 3- Review and approval of executive session minutes for Board meeting of July 31, 2003. On motion by Board Member LaPorta Krum, seconded by Board Member Kleven and approved with a unanimous vote, the executive session minutes are approved.
- Item 4- Review and approval of Treasurer's Report for period ending July 31, 2003. On motion by Board Member Kleven, seconded by Board Member Spano and approved with a unanimous vote, the Treasurer's Report is approved.
- Item 5- Review and approval of Profit and Loss Report for period ending July 31, 2003. On motion by Board Member LaPorta Krum, seconded by Board Member Hogan and approved with a unanimous vote, the Profit and Loss Report is approved.
- Item 6- Review and approval of Treasurer's Report for period ending August 31, 2003. Board Member Kleven asked who Susan Richards was as there was a payment to her on this report. The Executive Secretary noted that Ms. Richards serves on the Continuing Education Advisory Committee. Board Member Kleven also asked about returned (bounced) checks from applicants and/or licensees. Secretary/Treasurer LaPorta Krum noted that she has seen the process of pulling out a returned check from the accounting program and assessing charges. On motion by Board Member Hogan, seconded by Board Member

Kleven and approved with a unanimous vote, the Treasurer's Report is approved.

- Item 7- Review and approval of Profit and Loss Report for period ending August 31, 2003. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Profit and Loss Report is approved.
- Item 8- Review and approval of Secretary's Report. Board Member Hogan noted that two of the applicant's are listed on the report twice. The Executive Secretary will remove the duplicate records from the report. On motion by Board Member LaPorta Krum, seconded by Board Member Kleven and approved with a unanimous vote, the Secretary's Report is approved with the removal of the duplicate records.
- Item 9- Applicant Dawn Aikels requests to take the National Physical Therapy Examination for the third time per NRS 640.100(4). Board Member LaPorta Krum advised the Board that she approached the applicant at a UNLV course and offered to introduce her to a person to help her study. Ms. Aikels declined, indicating she wanted to pursue studying on her own. Board Member Hogan noted that the applicant is studying 2 hours per sitting, 5 nights per week and this will take her to the recommended hours. Board Member LaPorta Krum commented that a person must study for at least as long as the test itself takes. Board Member LaPorta Krum noted that the applicant needs to study at least 3 hours in a setting. Ms. Spano noted that the applicant did not address what she was doing differently than in her previous attempts to pass the National Examination. The Executive Secretary noted that the applicant did not provide a copy of the Exam Performance Feedback, and the last name of the person she is studying with is the same as the applicant. Board Member Spano noted that the applicant increased the amount of time studying memorization. On motion by Board Member LaPorta Krum, seconded by Board Member Spano and approved with a unanimous vote, the applicant is ordered to re-submit more clearly what she is doing different than in the past; increase study time to 3 hours per session, at least 5 days per week; provide more detail about who she is studying with; provide a copy of the Exam Performance Feedback; contact UNLV to find a study partner; provide this to the Board after October at which time two Board Members will review to determine if the applicant should be permitted to sit for the exam.
- Item 10- Licensee Antonio Ambrosio requests release from probation. On motion by Board Member LaPorta Krum, seconded by Board Member Spano and approved with a unanimous vote, the Board goes into closed session. After returning to open session, on motion by Board Member Kleven, seconded by Board Member LaPorta Krum and approved with a unanimous vote, the Board releases Mr. Ambrosio from probation.
- Item 11- Discussion with Gary Ailes, DVM, President of the Nevada State Board of Veterinary Medical Examiners regarding animal physical therapy and the draft

position paper from the Federation of State Boards of Physical Therapy, American Association of Veterinary State Boards and the Federation of Chiropractic Licensure Boards regarding collaborative practice. Dr. Ailes said he wants to know how the two professions can work together as there needs to be veterinarian/client relationship established before a physical therapist becomes involved with the treatment of an animal. Dr. Ailes asked if there should be a registration for physical therapists who treat animals. He also asked what would happen if an animal was injured during treatment as the physical therapy Practice Act only covers the treatment of humans. What Board would take action? Chairman Snellgrove advised Dr. Ailes that the Board has been asked questions regarding licensees treating animals under their physical therapy license. Board Member Spano asked Dr. Ailes how he knows a person has the training to work on animals. Dr. Ailes advised that there is training from the University of Tennessee. Board Member Kleven noted that there should be some type of validation of advanced manual skills working with animals to justify the performance of animal physical therapy. Board Member Hogan noted that she had taken the course at the University of Tennessee and it was an excellent course. She further commented that anyone who wants to treat animals must be able to demonstrate their proficiency in the specific area. Executive Director for the Veterinary Board, Debbie Macken noted that the University of Tennessee does certify those who pass the course. Board Member Kleven asked Dr. Ailes if he wanted the person certified in order to perform physical therapy on animals. Dr. Ailes said it is his opinion, not that of the Board, that if the veterinarian is comfortable than certification is not necessary. He further commented that once you start charging, you throw a regulation on it. Debbie Macken advised that their Board can add language to their Practice Act to cover physical therapy. Dr. Ailes asked the Board if they wanted him to draft such language policy. The Board accepted this offer. Board Member LaPorta Krum noted that it is not "physical therapy" unless the patient is a human. The language will be drafted without using the term physical therapy.

Item 12- Complaint Hearings or Review and Approval of Consent Decrees.

John Atherton, Case #2002-31. On motion by Board Member Hogan, seconded by Board Member LaPorta Krum and approved with a unanimous vote, the Board goes into closed session. This case taken by a Certified Court Reporter. After returning to open session, on motion by Board Member LaPorta Krum, seconded by Board Member Kleven and approved with a unanimous vote, the license of Mr. Atherton is placed on probation for a period of three years with quarterly visits at his place of employment, quarterly appearances before the Board, pay the costs associated with the complaint and hearing and pay the costs equal to those that will be incurred by the quarterly visits.

Jonathan Mark Benson, Case #2003-27. On motion by Board Member LaPorta Krum, seconded by Board Member Spano and approved with a unanimous vote, the Consent Decree is accepted.

Sheila Bertrand, Case #2001-58. On motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is accepted.

Timothy Bertrand, Case #2001-57. On motion by Board Member Kleven, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is accepted.

Lorne Delaney, Case #2003-25. On motion by Board Member Kleven, seconded by Board Member LaPorta Krum and approved with a unanimous vote, the Consent Decree is accepted.

Tracy Farrell, Case #2003-42. The applicant requested a continuance. This request is granted.

Juliette Fletcher, Case #2003-19. On motion by Board Member LaPorta Krum, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is accepted.

John S. Kanipe, Case #2001-16. On motion by Board Member Kleven, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is accepted.

Christine Kozlowski, Case #2003-32. On motion by Board Member LaPorta Krum, seconded by Board Member Hogan and approved with a unanimous vote, the Consent Decree is accepted.

Gina Meyer, Case #2003-30. On motion by Board Member Hogan, seconded by Board Member Kleven and approved with a unanimous vote, the Consent Decree is accepted.

Rebecca Patterson, Case #2003-22. On motion by Board Member Kleven, seconded by Board Member LaPorta Krum and approved with a unanimous vote, the Consent Decree is accepted.

Richard Reid, Case #2003-36. On motion by Board Member Sabo, seconded by Board Member LaPorta Krum and approved with a unanimous vote, the Board goes into closed session. After returning to open session, on motion by Board Member Spano, seconded by Board Member Hogan and approved with a unanimous vote, the Board finds that Mr. Reid violated Nevada Administrative Code 640.061. Further, on motion by Board Member Spano, seconded by Board Member LaPorta Krum and approved with a unanimous vote, Mr. Reid is fined the customary \$300, which is standard for this violation.

Scott Yang, Case #2003-50. On motion by Board Member Hogan, seconded by Board Member Kleven and approved with a unanimous vote, the Consent Decree is accepted.

Item 13- [A] Report from the Investigative Board Members.

Case #2003-16. On motion by Board Member Hogan, seconded by Board Member Spano and approved with a unanimous vote, the case is dismissed.

Case #2003-44. On motion by Board Member Hogan, seconded by Board Member Spano and approved with a unanimous vote, the case is dismissed.

Case #2003-53. On motion by Board Member Hogan, seconded by Board Member Spano and approved with a unanimous vote, the case is dismissed.

[B] Report from the Deputy Attorney General.

- 1) Procedures for reviewing applicants for licensure. Deputy Attorney General reminds the Board that the Practice Act sets the qualifications for licensure and the Board cannot make determinations regarding licensure outside the scope of what the Practice Act provides. Ms. James advised the Board that all denials for licensure must have a legal basis. She further commented that any concerns can be brought to the attention of herself or the Executive Secretary.
- 2) Recently passed legislation which impacts the Board. Refer to the September 18, 2003 memorandum (in the minutes file) presented to the Board.

Item 14- Update from the Board office.

- (a) Discussion of activities of the Board office. The Executive Secretary advised the Board that renewals are completed and the process went well. She also advised that the annual continuing education audit was underway. The Executive Secretary also advised that the annual financial audit had begun. She advised that license verifications are on-line at the Board's website and continuing education courses and disciplines would be available on-line soon.
- (b) Annual performance and salary review of Executive Secretary. Chairman Snellgrove commented that Allison had made his life easier and he always gets a response from Allison or Jeanne when he calls. He said he appreciates all that the Board office does. Board Member Spano said that she appreciates what Allison does and would like to offer a 2.5% cost of living increase and a 1.5% merit increase to recognize the service provided and the organization of office. Board Member Hogan commented that she appreciates Allison as well and her requests are answered in a timely manner. She further noted that the Board was going to do a performance evaluation. Board Member Hogan will search her records for the performance evaluation of the Executive Director of the NPTA and that will be used as a starting point. Chairman Snellgrove directed Allison to ask for

performance evaluations from the different jurisdictions as well. Board Member LaPorta Krum suggested that Allison maintain a detailed log of time spent out of the office and a daily time-sheet which reflects the hours spent in the office each day. The Board will schedule a teleconference to address the annual performance review of the Executive Secretary.

- (c) Review of and possible changes to the licensure application. Board Member Kleven suggests using the following language in the licensure applications: “Has your license, registration or certification to practice physical therapy in any state ever been denied, revoked, suspended, surrendered, restricted, limited or placed on probation? Have you ever been reprimanded or fined in relation to your practice as a physical therapist/physical therapist’s assistant?” He also suggested that the questions beginning with “within the past five year” be change to “have you ever”. The Executive Secretary is directed to obtain licensure applications from the various boards and jurisdictions.

- (d) Review of and possible changes to the annual renewal from. Suggestions were made regarding formatting.

- Item 15- Nominations and elections for Board Chairman, Secretary/Treasurer and Continuing Education Advisory Committee Board Representative. Board Member Kleven commented that the new Board Members should have a say in who is in position on the Board. This item tabled until the next meeting when the new Board Members are appointed.
- Item 16- Review of July and August News Briefs from the Federation of State Boards of Physical Therapy. Board Member Hogan asked the Board to inform her if there were any issues the Board wanted raised at the FSBPT Annual Meeting.
- Item 17- Update from D. Keith Kleven regarding the activities of the Continuing Education Advisory Committee. Board Member Kleven noted that the committee is working towards more clearly defining the courses that can be taken towards the annual education requirement. He also noted that the committee will be suggesting that all 1.5 units be of a clinical nature.
- Item 18- Update from L. Pete Mooney, Chief Inspector regarding the annual inspections. Chief Inspector Mooney advised that the annual field inspections had begun. He noted that Alex Delgado will not become involved unless necessary. He believes the inspections will be completed by the end of January.
- Item 19- Public Comment Period. The Board discussed the California Physical Therapy Board Newsletter and suggested that our Board list disciplines in our Newsletter as well.
- Item 20- Items for future agendas.

- Item 21- Confirm schedule of future Board meetings and their locations. The teleconference Board meeting will be held October 6, 2003 at 8:00am. The regular meeting will be held n November 6, 2003 at 9:00am in Las Vegas.
- Item 22- Review of files/ratification for licensure.

FILES FOR REVIEW/RATIFICATION:

Physical Therapists

1745	Kuanyan Huang	1750	Kerry Haugh
1746	Kristen Grande	1751	Lisa Boughner
1747	Nicholas Piazza	1752	Liesel Loveday
1748	Kimberly Hebing	1753	Paulette Henriod
1749	Janet Lander	1754	James Summerfelt

Physical Therapist's Assistants

A-0344	Robin Jarvis	A-0346	David Steere
A-0345	Corie Reber	A-0347	Darlene Logue

- Item 23- Adjournment of the Board meeting. The meeting is adjourned at 2:23pm.